

MINUTES OF THE MAY 6, 2008, ROY CITY COUNCIL MEETING

1. Approval of April 15, 2008, minutes
2. Consideration of a Conditional Use Permit for a major facility of a public utility - a new 345 kilovolt (kV) electric transmission line located at approximately 3250 West from Midland Drive to 6100 South
3. Consideration of an alcoholic beverage license for CK Management, LLC Phillips 66 located at 5190 South 1900 West
4. Public comments
5. Presentation of a Tentative Budget for Fiscal year July 1, 2008, through June 30, 2009
6. Award of 2008 Street Maintenance Project
7. Approval of purchase of ultraviolet system for pools
8. Consideration of Resolution No. 925 accepting a petition from Ogden Clinic Investment Company, LLC to annex approximately 5.28 acres of certain real property into Roy City and directing that a public hearing be set for June 17, 2008, at 6:00 p.m.
9. City Manager's report
10. Mayor and Council reports
11. Adjourn City Council Meeting and convene a Redevelopment Agency Meeting
12. Summary of actions charged

Minutes of the Roy City Council Meeting held May 6, 2008, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following were in attendance:

Mayor Joe H. Ritchie
Councilwoman Marge Becraft
Councilman Willard Cragun
Councilman Larry Peterson
Councilman Michael Stokes
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Also present were: Cathy Spencer, Management Services Director; Rachel Foster; Bob Nicholas; Darren Paskett; Harold Dudley; Damon Christensen; Brian Pinder; and Mark Sage.

Moment of Silence: Councilman Larry Peterson

Pledge of Allegiance: Councilman Larry Peterson

1. APPROVAL OF APRIL 15, 2008, MINUTES

Councilman Cragun moved to approve the minutes of April 15, 2008, as corrected. Councilman Tafoya seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A MAJOR FACILITY OF A PUBLIC UTILITY - A NEW 345 KILOVOLT (KV) ELECTRIC TRANSMISSION LINE LOCATED AT APPROXIMATELY 3250 WEST FROM MIDLAND DRIVE TO 6100 SOUTH

Mayor Ritchie stated that the City Council had received an extensive amount of information regarding Rocky Mountain Power's request for a conditional use permit for a major facility of a public utility - a new 345 kilovolt (kV) electric transmission line. The Planning Commission had recommended that the conditional use permit be approved. Councilman Larry Peterson, City Attorney Andy Blackburn, City Manager Chris Davis, and himself attended the Planning Commission's public hearing to listen to concerns of the citizens. The citizens' concerns were about the power company, not Roy City. City staff met with the power company to make sure they were working with the citizens. The power company was meeting with the citizens regarding the right-of-way problem.

Councilman Stokes stated that the majority of the citizens' comments were about civil issues. What responsibility did the City have in this situation? Mayor Ritchie said the City's only role was that of a monitor to make sure the citizens' concerns were addressed. Councilman Stokes asked if the citizens' disputes had been addressed. Mayor Ritchie said the power company indicated it was working with the property owners.

Councilman Tafoya moved to approve a conditional use permit for a major facility of a public utility - a new 345 kilovolt (kV) electric transmission line located at approximately 3250 West from Midland Drive to 6100 South based on the staff's facts and finding and subject to the conditions recommended by the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

3. CONSIDERATION OF AN ALCOHOLIC BEVERAGE LICENSE FOR CK MANAGEMENT, LLC PHILLIPS 66 LOCATED AT 5190 SOUTH 1900 WEST

Mayor Ritchie stated that this was a license for a new owner of an existing business. The staff had reviewed the application and found it in order. Councilman Stokes asked if the Police Department had reviewed the application. Mayor Ritchie said it had.

Councilman Tafoya moved to approve an alcoholic beverage license for CK Management, LLC Phillips 66 located at 5190 South 1900 West. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

4. PUBLIC COMMENTS

Mayor Ritchie stated that the City had become aware that the post office was requiring that curbside mailboxes be installed on 4800 South.

Bob Nicholas, 2045 West 4800 South, stated that the postal service said the requirement for curbside mailboxes was the result of the City painting the curbs red. Widening the street had improved the traffic flow. The postal service had made up its mind about requiring curbside mailboxes, and it wouldn't budge. They told him he could put in a curbside mailbox or get a post office box, which he would have to pay for. Mr. Nicholas felt the grandfather law came into play. His mail box was on his front porch, and that is where he would like to keep it because of the high school students. He did not want to put a mailbox on his curb because a mail carrier could not park on a side street and walk.

Mayor Ritchie stated that he would contact the post office. Bob Nicholas was concerned that the post office wasn't taking the wants and concerns of the citizens into consideration. Councilman Stokes couldn't understand why the postal carrier could not park on a side street and walk.

Mark Sage, 4135 West 5250 South, introduced himself as the democratic candidate in the State House of Representatives.

Darren Paskett, 5240 South 3275 West, stated that he had been working with the power company to resolve the right-of-way issue along the east side of his street. There were still some ongoing issues that did not concern the City. The power company had agreed to come 120 feet from the center of the power line into their properties. Councilman Tafoya asked if the power company planned to reimburse Mr. Paskett for his trees. Darren Paskett said the power company had agreed to reimburse him for part of the cost to grind the stumps out. Mayor Ritchie asked if the property owners planned to take action against the title company. Darren Paskett said that would have to be done individually.

Damon Christensen stated that he was an employee of the Police Department. After hearing rumors that merit increases would not be funded in the FY2009 budget, he approached Chris Davis for a clarification. Mr. Davis indicated that the FY2009 budget included a COLA (cost of living allowance) but not merit increases. Mr. Christensen said that a merit increase of 3.5% was larger than a 2.5% COLA.

Mayor Ritchie stated that a merit increase was earned. It wasn't automatic. A COLA covered all of the employees; it was more fair. The tentative budget was being presented to the City Council at this meeting. There would be other hearings on the budget.

Damon Christensen wanted to let the City Council know that the employees were feeling anxious and frustrated. He asked that the Mayor and Council dig deep. The employees worked hard for their merit increases. The loss of a merit increase for one year compounded over time. It was hard for the employees to see money being spent elsewhere and be told there wasn't anything for raises.

Mayor Ritchie said the Council had already made the statement that it did not want to balance the budget on the backs of the employees. There were governmental entities in the area that weren't giving COLA's or merit increases. He asked what Damon Christensen would do to ease employees' anxiety. Mr. Christensen said he would pass on the clarified information.

Councilman Tafoya understood the employees' concerns. He promised the City Council would look at the budget hard. Councilman Cragun said he came from a city employee background. He also knew from past experience that the City Council had to make choices that were not always popular. He promised to do everything in his power to see that the employees were taken care of, as well as the citizens.

Brian Pinder, 4210 West 4800 South, stated that he owned 2.5 acres of agricultural property. There was a pond on his property that was an easement for the City, as well as a ditch to drain neighboring properties. The pond was deteriorating. The embankment was supposed to be five to six feet from the fence. It was now only 12 inches from the fence, and it was caving in. He was told the pond was originally built to code. Since then everything had been changed by subsequent property owners. He purchased the property two years ago. He asked that the City fix the pond so it worked correctly. Right now the water just stagnated. He didn't want to start maintaining something that was deteriorating. John Bjerregaard, from the City Engineer's office, looked at the pond. Mr. Bjerregaard said he would get some fill dirt to build up the embankment, but he hadn't heard from Mr. Bjerregaard. Mr. Pinder said he didn't know how to build the pond. He needed the City's help.

Mayor Ritchie asked what the pond's purpose was. Brian Pinder said it was for storm water retention. Chris Davis stated that he was aware of the pond but not the specific issues. He would look into it and contact Mr. Pinder.

5. PRESENTATION OF A TENTATIVE BUDGET FOR FISCAL YEAR JULY 1, 2008, THROUGH JUNE 30, 2009

Cathy Spencer stated that the administration was presenting a balanced budget to the City Council for the fiscal year beginning July 1, 2008, and ending June 30, 2009. This budget had been a significant challenge. The slow down that had impacted the national economy had begun to impact Utah and the City of Roy. Revenue in most categories was expected to be flat. Declines were anticipated in revenue related to residential building. Minimal increases were expected in franchise tax revenue from new customers. One bright spot was that property tax increment from the Golden Spike Technology Park and Marketplace Plaza Redevelopment District would be turned back to the taxing entities in FY2009. Roy City's share of the increment was estimated at \$60,000. Revenues for the Aquatic Center had reached their maximum.

Ms. Spencer said the FY2009 budget proposed a 2.5% cost-of-living adjustment for all employees. The COLA would replace regular merit increases for the year. A COLA was being proposed in lieu of a merit because it would impact all employees at an equal level.

The COLA would help all of the employees deal with the higher cost of living. Fuel prices continued to impact the City from Police to Public Works. Where possible, budgets had been held at the FY2008 level, and some expenditures had been cut. There were very few capital projects planned, except for the specified funds in the Water and Sewer Fund and Class C Roads. Ms. Spencer said the General Fund budget was \$15,893,149, which was not a significant increase from last year. Water and Sewer Fund projects included the HAFB Well and the 4000 South Reservoir land purchase. The Parks and Recreation Fund included expenditures for Emma Russell Park to complete the parking lot on the posse grounds. The budget also included construction of the Hope Community Center. Revenues for FY2009 represented a .82% decrease from FY2008. That was the result of a decline in Intergovernmental Revenue. In FY2008, the City received two installments from RAMP for the Hope Community Center. In FY2009, the City would receive only one. Miscellaneous Revenue was down because of lower interest rates and decreased construction. The only rate increase was a slight increase in garbage collection fees being passed on from Waste Management. Ms. Spencer asked that the City Council accept the tentative budget and set a public hearing for June 3, 2008.

Councilman Peterson moved to accept the Tentative Budget for the Fiscal Year beginning July 1, 2008, and ending June 30, 2009, for study, and to set a public hearing for June 3, 2008, at 6:00 p.m. to consider adopting the Final Budget. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

6. AWARD OF 2008 STREET MAINTENANCE PROJECT

This item was tabled until the next meeting.

7. APPROVAL OF PURCHASE OF ULTRAVIOLET SYSTEM FOR POOLS

Chris Davis stated that Virge Howe had attempted to locate other pool vendors. The only other vendor he could find was out of New York, and they had been unresponsive. CEM Aquatics had submitted the following quote for ultraviolet systems for the Aquatic Center and the Recreation Complex:

Lap Pool 10" Pipe	\$ 48,075.00
Leisure Pool 12" Pipe	48,385.00
Splash Pad 6" Pipe	40,625.00
Indoor Recreation Pool 6" Pipe	<u>40,625.00</u>

Total	\$177,710.00
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CEM was the primary provider for Salt Lake County and other cities purchasing ultraviolet systems for their pools. The Council's second question related to funding. The staff proposed that one-third of the expense be taken from the pool fund. The remaining two-thirds would be funded from the Risk Management Fund.

Councilman Tafoya asked about the balance of the Risk Management Fund. Chris Davis said the Risk Management Fund currently had a balance of \$180,000. The staff proposed to use about \$120,000 for the ultraviolet systems, which would leave a balance of about \$60,000. Councilman Tafoya asked if that balance would go back up at the beginning of the fiscal year. Cathy Spencer said it would not. Due to the lean budget year, the staff did not propose to fund Risk Management in FY2009. Chris Davis stated that the City was still insured. Councilman Tafoya asked about the balance of the pool fund. Cathy Spencer said there was about \$70,000 in the pool fund. The staff proposed to fund one-third of the cost for the ultraviolet systems from the pool fund.

Mayor Ritchie pointed out that the City would be able to purchase the ultraviolet systems without having to raise fees.

Chris Davis stated that the fees for the Aquatic Center were comparable with the fees being charged by other entities in the Northern Utah area.

Councilman Cragun felt the Council needed to look at the pool fees. The City had to start replenishing the pool fund. Mr. Davis said he would forward the information about area pool fees to the City Council.

Chris Davis stated that CEM had indicated they would have the ultraviolet systems in by early June at the latest.

Councilman Peterson clarified the funding proposal of one-third for the pool fund and two-thirds from the Risk Management Fund. Mr. Davis said that was correct.

Councilman Peterson moved to approve a contract with CEM Aquatics for the ultraviolet systems for the Aquatics Center and the Recreation Complex as indicated to be funded from the pool fund (one-third) and the Risk Management Fund (two-thirds). Councilman Stokes seconded the motion. A roll call vote was taken: Council members Tafoya, Becraft, Cragun, Peterson, and Stokes voted "aye". The motion carried.

8. CONSIDERATION OF RESOLUTION NO. 925 ACCEPTING A PETITION FROM OGDEN CLINIC INVESTMENT COMPANY, LLC TO ANNEX APPROXIMATELY 5.28 ACRES OF CERTAIN REAL PROPERTY INTO ROY CITY AND DIRECTING THAT A PUBLIC HEARING BE SET FOR JUNE 17, 2008, AT 6:00 P.M.

Councilman Stokes recused himself from discussion on this item because of his business association with Ogden Clinic.

Chris Davis stated that Ogden Clinic Investment Company had submitted an annexation petition. Approval of Resolution No. 925 was the first step in reviewing the petition. After the Council's acceptance, the staff would certify the petition and notify the affected taxing entities regarding the public hearing.

Councilman Tafoya asked if land owners in the unincorporated county would be notified. Chris Davis said the City notified all property owners within 300 feet regardless of whether they were Roy City residents or not.

Councilman Tafoya moved to approve Resolution No. 925 accepting a petition from Ogden Clinic Investment Company, LLC to annex approximately 5.28 acres of certain real property into Roy City and directing that a public hearing be set for June 17, 2008, at 6:00 p.m. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Peterson, Cragun, Tafoya, and Becraft voted "aye." Councilman Stokes abstained. The motion carried. (Copy filed for record).

9. CITY MANAGER'S REPORT

Chris Davis stated that the Elks still needed a Roy Days theme.

Chris Davis stated that Mel Hackworth, a long time employee of the Police Department, had passed away that day.

Chris Davis stated that he had spoken with Joe Taylor, and that he would have a report on Dyers Woad for the next Council meeting

Chris Davis stated that the Police Award Banquet would be held on Friday, May 9th, at 6:30 p.m. He needed to know which Council members planned to attend.

Chris Davis stated that there had been a great response to the voluntary recycling program. About 750 people had signed up, with 10 to 20 more per day. Waste Management planned to order the recycling can and have them delivered by early June.

10. MAYOR AND COUNCIL REPORTS

Councilwoman Becraft stated that she had received a complaint from her neighbor about crowing roosters. Chris Davis stated that the roosters were located in an area zoned for animals. The Code Enforcement Officer was checking to see if there were any nuisance violations.

Councilwoman Becraft stated that she spoke with John English from UTA who was appalled about the appearance of Kwik City. Mr. English planned to contact the County about getting it cleaned up.

11. ADJOURN CITY COUNCIL MEETING AND CONVENE A REDEVELOPMENT AGENCY MEETING

Councilwoman Becraft moved to adjourn the City Council meeting at 7:08 p.m. and convene a Redevelopment Agency meeting.

12. SUMMARY OF ACTIONS CHARGED

1. Chris Davis stated that he would look into the retention pond on Brian Pinder's property.
2. Chris Davis to forward information about the area pool fees to Councilman Cragun.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary